



U.S. Serial No. 10/612,092
Docket No.: 12219/36
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. NO. : 10/612,092 CONFIRMATION NO.: 5806
APPLICANTS: T. Togino
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TC/A.U. : 2872
EXAMINER : Amel C. Lavarias
DOCKET NO.: 12219/36
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DECLARATION PURSUANT TO 37 C.F.R. 1.132

I, Takayoshi TOGINO, hereby declare the following:

1. I am the sole inventor of the subject matter claimed in U.S. Patent Application Serial No. 10/612,092, filed July 3, 2003 and entitled "PROJECTION VIEWING SYSTEM."
2. The invention described and claimed in the present application was conceived by me prior to July 3, 2003. Evidence of this fact is shown by Japanese Patent Application 2002-304555, which was filed in my name in the Japanese Patent Office on October 18, 2002 and published under the number JP2004-102204. A copy of this publication with an English Abstract and machine generated translation is of record in this application, having been cited by the Examiner.

3. On that English Abstract , my name is incorrectly translated as Kokichi KENNO, rather than Takayoshi TOGINO.
4. Less than one year after the filing of Japanese Patent Application 2002-304555 in the Japanese Patent Office on October 18, 2002, the present application identified above was filed in the United States with a claim to priority to both it and Japanese Application 2002206860 with a priority date of July 16, 2002 to which Japanese Patent Application 2002-304555 also claims priority.
5. I am employed by Olympus Corporation, assignee of the present invention , U.S. Patent Application Serial No. 10/612,092, and also owner of Japanese Patent Application 2002-304555.
6. In an Office Action dated March 16, 2006, the Examiner rejected the claims of Serial No. 10/612,092 as not invented by me and derived from Japanese Patent Application 2002-304555. However, the Examiner relied on the incorrect translation of my name and apparently thought that the subject matter of Japanese Patent Application 2002-304555 represented an invention by another, not my own invention. In view of the facts set out above, I believe that rejection should be withdrawn.

I, Takayoshi TOGINO, acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the above-cited non-provisional patent application or any patent issuing thereon. Likewise, I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

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Respectfully submitted,

Dated: Aug. 17, 2006

Takayoshi Togino

Takayoshi TOGINO